



Planning Commission Meeting
September 15, 2021, 6:00 PM

Tim Haupert called the Planning Commission meeting to order at 6:00 p.m.

Mayor Cegelka reported; Planning Commission member, Kel Billings, resigned from the Planning Commission Board as of September 1, 2021. He has moved out of the Village and is no longer a resident making him ineligible to serve on the board. The Mayor is currently looking for a replacement to fill the position.

PRESENT: Mayor Cegelka, Jeff Adie, Scott, McColl, Tim Haupert

OTHERS PRESENT: Law Director Mark Marong, Building Commissioner Bob Rodic, Engineer Mike Henry

PUBLIC HEARING:

Public Hearing for the purpose to discuss a variance request at the property of 27400 Pettibone Road, to Glenwillow Chapter 1135.03(1) to create a residential lot within the Country Home District having an aggregate area of 36,420 square feet.

The Public Hearing opened at 6:02 PM.

Vera Price from 27300 Pettibone Road was in attendance and commented; her property is next door to 27400 Pettibone Road and asked for an explanation of the notification of the variance request she received. Law Director Mark Marong commented; as part of the Village code, when a property owner requests an area variance, a use variance or a conditional use permit the adjacent property owners are notified that a Public Hearing is being held and are welcome to come and ask the Planning Commission questions or comment on the request. Vera questioned what it is her neighbor is asking to do. Mark Marong commented; the request is to split his parcel. One of the parcels will have less than 40,000 sq. ft., therefore he is asking for a variance to the area of the lot. The property owner has not presented the Village with any plans or intentions of the use of the lot.

There being no comments, the Public Hearing closed at 6:05 PM.

Motion by Jeff Adie second by Scott McColl to approve the minutes of the June 16, 2021, Planning Commission Meeting.

**Yeas—Mayor Cegelka, Adie, Haupert, McColl
4 yeas – 0 nays**

Motion carried

OLD BUSINESS:

None

Mark Marong explained to the applicant that when a member of the Board is not in attendance, they have the opportunity to table/continue their request to the next meeting when a full Planning Commission Board is present. Mr. Vascek stated he would like to go forward with his request this evening.

NEW BUSINESS:

REQUEST FOR APPROVAL OF A VARIANCE TO PERMIT THE REDUCTION OF THE REQUIRED LOT AREA FOR A LOT LOCATED IN THE COUNTRY HOME DISTRICT FROM 40,000 SQUARE FEET IN AREA TO 36,420 SQUARE FEET IN AREA AT 27400 PETTIBONE ROAD:

Building Official Bob Rodic reported; LV Capital LLC, Lou Vascek, the owner of the property at 27400 Pettibone Road, is requesting approval of a lot split and an area variance regarding the creation of the newly proposed lot for his property which is located within the Country Home District. The property currently exists with a single-family dwelling and a detached garage located upon it. The lot is 77,466 square feet in area. Mr. Vascek is proposing to create two lots. The westerly lot will be 41,046 square feet in area and will house the single-family dwelling and detached garage. The new lot will be to the east of the developed lot and will be 36,420 square feet in area with the intent of development conforming to the Zoning Code for the district. The application includes a written narrative from the applicant, an aerial view of the site, and an exhibit demonstrating the lot split.

Glenwillow Chapter 1135.03(b)(1) requires a minimum lot area of 40,000 square feet for development within the Country Home District. The applicant is requesting the Planning Commission to grant approval of a lot split which will create a developable lot in the Country Home District and grant an area variance to Glenwillow Chapter 1135.03(b)(1) thereby permitting the creation of a developable lot in the Country Home District with an area of 36,420 square feet.

Engineer Mike Henry commented; based on the existing lots along Pettibone Road, this lot would conform to the rest of the lots along Pettibone. The Engineer has no issue with the request.

Mark Marong commented; the request for the variance for the lot size does not grant or imply any further variances for the site. For the requested lot split, the minimum frontage and depth are met, just the total area is not met on the easterly site. The minimum frontage and depth are, however, the total area is less than the requirement on the easterly site. The factors in our code for an area variance, section 1119.08 b2 state; A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance B. Whether the variance is substantial, C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance, D. Whether the variance would adversely affect the delivery of governmental services, E. Whether the property owner purchased the property with knowledge of the zoning restriction, F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance and G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. He made the recommendation that as a condition of the lot split that the existing driveway be modified for removal of any encroachments and be located no closer than five (5) feet to the newly created property boundary.

Property owner Lou Vascek commented; he bought the property as an investment. Since the lot is very large and most of the property is and will not be used, splitting the lot, and selling it became an option.

Tim Hauptert questioned if there is a timeline of when Mr. Vascek would try and sell the vacant property without knowing if it is a buildable lot. Mr. Vascek responded; when he purchased the property, he was not aware the lot could be split, therefore he does not have any further plans regarding the property at this time.

Mayor Cegelka commented; regarding the sanitary sewers, the area on Pettibone Road from the park to Richmond Road is still on septic systems. The Village has been looking at putting in sewers in phases all the way down Pettibone Road. This is the last section of the Village that does not have sanitary sewers. Phase I would be from the Village Park to a couple houses down and anticipate to start next year and remaining phases would be subject to grant applications and the outcomes of money received from grants.

Jeff Adie questioned if the frontage and depth are in the parameters, but the square footage does not meet the 40,000 square feet, how does this meet the possibility to potentially allow something to be built here. Mark Marong responded; the minimum lot size was created by our Village consultant, Kris Hopkins with CT when the Village did the Zoning Code re-write. Engineer Mike Henry responded; years ago when lots were created with wells as a water source and septic systems, it created a bigger lot size requirement. Since then, with a different water source and sanitary sewers, lot sizes are able to be smaller and maintain the character of the Village.

Mark Marong recommended due to the area variance being 3,580 sq. ft. he asked the Planning Commission, if approved, to include in the motion to find the Practical Difficulties test is met according to section 1119.08 b2 and to also include 5 feet of the driveway be removed to the west from the lot line.

Motion by Scott McCall second by Tim Hauptert for approval of an area variance of 3,580 sq. ft. area for a lot located in the Country Home District from 4,000 sq. ft. in area to 36,420 sq. ft. in area finding it meets the Practical Difficulties test as stated in section 1119.08 b2 and with the condition the existing driveway be modified and removed so that the driveway is located no closer than five (5) feet to the newly created property boundary.

Yeas—Mayor Cegelka, Adie, Hauptert, McColl

4 yeas – 0 nays

REQUEST FOR APPROVAL OF A LOT SPLIT AND CONSOLIDATION PLAT AT 27400 PETTIBONE ROAD:

Mark Marong recommended the motion include the condition placed by Planning Commission in the prior motion before the Engineers is authorized to file the plat.

Motion by Jeff Adie second by Scott McColl for approval of a lot split and consolidation plat at 27400 Pettibone Road subject to the condition the existing driveway be modified and removed so that the driveway is located no closer than five (5) feet to the newly created property boundary before the plat is filed by the Engineer with Cuyahoga County.

**Yeas—Mayor Cegelka, Adie, McColl, Hauptert
4 yeas – 0 nays**

Motion carried

ADJOURNMENT

There being no further business to come before the Planning Commission, motion by Jeff Adie seconded by Scott McCall to adjourn the meeting. Vote on the motion to adjourn was all yeas and no nays.

The meeting was adjourned at 6:36 p.m.



Planning Commission



Planning Commission Secretary-Lori A. Kovach